

Notice of Allowability	Application No.	Applicant(s)	
	09/917,982	ERICKSON ET AL.	
	Examiner	Art Unit	
	Ted T. Vo	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/29/04.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/02/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|--|


 TED T. VO
 Primary Examiner

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1. This communication is in response to the amendment filed on 10/29/04.

-The cited references in the IDS files on 12/02/2004 are fully considered.

- The Applicants' arguments in the amendment overcome the rejection in Office action dated: 07/30/04; with further extensive searches, the prior arts of record, Deegan et al., (US Pat. No. 6,055,632) and Othmer et al., (US Pat. No. 6,167,358) remain the closest arts of record.

-It should be noted that typo error, "(US No. 6,167,385)" is made on the prior Office action dated: 07/30/04 at the second line of item 4 in page 2. The correction is (US No. 6,167,358).

Reasons for Allowance .

2. Claims 1-23 are allowed.

Prior art of record, Deegan, (US Pat. No. 6,055,632), discloses *method of implementing firmware updates to a programmable part within a printed circuit board* by transferring firmware from a remote network to a non-volatile memory of a programmable controller within the printed circuit board, where the firmware would be integrated as a firmware image into the programmable part of the *printed circuit board*. Deegan do not disclose polling the remote network for transferring the firmware.

Prior art of record, Othmer et al., (US Pat. No. 6,167,358), discloses a principle used network communications. That is a computer could periodically polls a server to determine what it is a server; for example, a version of a file stored in a server used for updating.

However, Applicants point out that the motivation for polling for such combination is insufficient. Applicants point out that the references must be either in the field because Othmer is non-analogous art and no motivation and suggestion to combine (Remarks, page 7, lines 7-11), Furthermore, Applicants point out that the prior art must suggest the desirability for combination (Remarks, page 8, lines 5-7); neither nor Othmer has any suggestion for combination (Remarks, page 8, lines 16-17).

Art Unit: 2192

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention, methods and a system of implementing firmware updates to a programmable part within a printed circuit board, comprising the steps of comprising at least features:

"networking the printed circuit board with the firmware server, and automatically pooling the firmware server to download the firmware, to program the programmable part", as recited in independent Claim 1, and in such manners in independent Claims 9 and 13.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2192
March 31, 2005